



COMMONWEALTH of VIRGINIA

Doug Domenech
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
www.deq.virginia.gov

David K. Paylor
Director

Maria R. Nold
Regional Director

Permit No: VA0081272
Effective Date: January 28, 2013
Expiration Date: January 27, 2018

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

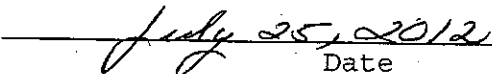
In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit, as set forth herein.

Owner: Hampton Roads Sanitation District
Facility Name: HRSD James River STP
City: Newport News
County: N/A
Facility Location: 111 City Farm Road, Newport News, VA 23602

The owner is authorized to discharge to the following receiving stream:

Stream: See Attachment 1
River Basin:
River Subbasin:
Section:
Class:
Special Standards:


Maria R. Nold


Date

ATTACHMENT I

Outfall No(s).

001-007

Receiving Stream

Warwick River to James River
Basin: James River (Lower)
Subbasin: N/A
Section: 1
Class: II
Special Standards: a, bb

PART I

A. INTERIM LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's Reissuance date and lasting until the CTO Effective date, the permittee is authorized to discharge from outfall(s): 001.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [a]	NL	NA	NA	NL	Continuous	Totalizing, Indicating & Recording Equipment
pH (S.U.)	NA	NA	6.0	9.0	1/Day	Grab
BOD ₅ (mg/l; kg/d) [c] [d]	30 ~ 2271	45 3406	NA	NA	3/Week	24-Hr. Comp.
Total Suspended Solids (mg/l; kg/d) [c] [d]	30 2271	45 3406	NA	NA	3/Week	24-Hr. Comp.
Total Residual Chlorine (TRC) (mg/l) [b] [c]	0.20	0.60	NA	NA	1/Day	Grab
Fecal Coliform (N/CML) [d] [g]	200	NA	NA	NA	1/Week (Between 10 AM & 4 PM)	Grab
Enterococci (N/CML) [h]	35	NA	NA	NA	2/Month (Between 10 AM & 4 PM)	Grab
Total Phosphorus Year-to-Date (mg/l) [f]	NL	NA	NA	NA	1/Month	Calculated
Total Phosphorus-Calendar Year (mg/l) [e] [f]	2.0	NA	NA	NA	1/Year	Calculated
Total Phosphorus (mg/l)	NL	NA	NA	NA	1/Month	24-Hr. Comp.

NA = Not Applicable. NL = No limitation, however, reporting is required.

1 Year= January 1-December 31; reported for each full calendar year

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

- [a] The design flow of this treatment facility is 20 MGD. See Part I.C.5 for additional flow requirements.
 [b] See Part I.B. for additional chlorine monitoring instructions.
 [c] See Parts I.C.6 and I.C.7 for quantification levels and reporting requirements, respectively.
 [d] See Part I.C.8 for additional instructions regarding effluent monitoring frequencies.
 [e] Annual average limitation, based on a calculation of all samples collected during the calendar year.
 [f] See Part I.C.11 for additional instructions regarding total phosphorus.

- [g] Fecal Coliform monthly average is calculated as a geometric mean.
 - [h] Enterococci monthly average is calculated as a geometric mean. Samples must be taken at least 7 days apart.
2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
 3. At least 85% removal for BOD and TSS must be attained for this effluent.

In addition to any Total Nitrogen or Total Phosphorus concentration limits listed above, this facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN040090, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia.

NAME	HRSD - James River Sewage Treatment Plant		
ADDRESS	1436 Air Rail Ave		
	Virginia Beach	VA	23455
FACILITY LOCATION	111 City Farm Rd, Newport News, VA 23602		

Municipal Major 05/02/2012

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach VA 23462

VA0081272				001			
PERMIT NUMBER				DISCHARGE NUMBER			
MONITORING PERIOD							
YEAR	MO	DAY	TO	YEAR	MO	DAY	

FROM

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
QL: Cl2-0.10 mg/l, BOD-2 mg/l, TSS-1.0 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE		
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS..				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
				TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

PERMITTEE NAME/ADDRESS(INCLUDE
FACILITY NAME/LOCATION IF DIFFERENT)

NAME HRSD - James River Sewage Treatment Plant
ADDRESS 1436 Air Rail Ave
Virginia Beach VA 23455
FACILITY LOCATION 111 City Farm Rd, Newport News, VA 23602

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Municipal Major 05/02/2012

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Tidewater Regional Office
5636 Southern Boulevard

Virginia Beach VA 23462

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

VA0081272			001		
PERMIT NUMBER			DISCHARGE NUMBER		
MONITORING PERIOD					
YEAR	MO	DAY	TO	YEAR	MO DAY

FROM

TO

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
158 CL2, TOTAL FINAL	REPORTD	*****	*****		*****						
	REQRMNT	*****	*****		*****	0.20	0.60	MG/L		1/DAY	GRAB
806 PHOSPHORUS, TOTAL (AS P) (YEAR-TO-DATE)	REPORTD	*****	*****		*****		*****				
	REQRMNT	*****	*****		*****	NL	*****	MG/L		1/M	CALC
811 PHOSPHORUS, TOTAL - ANNUAL AVERAGE (MG/L)	REPORTD	*****	*****		*****		*****				
	REQRMNT	*****	*****		*****	2.0	*****	MG/L		1/YR	CALC
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	
	REPORTD										
	REQRMNT									*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

QL: Cl2-0.10 mg/l, BOD-2 mg/l, TSS-1.0 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE			DATE		
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
				TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

This report is required by your VPDES permit and by law. (See, e.g., the Code of Virginia of 1950 §62.1-44.5 and 9 VAC 25-31-50.) Failure to report or failure to report truthfully can result in civil penalties of \$32,500 per violation, per day and felony prosecutions which can carry a 15 year term.

DISCHARGE MONITORING REPORT (DMR) - GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil. The use of 'correction fluid/tape' is not allowed.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces have a requirement or limitation, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".
 $KG/DAY = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3.785$ $G/D \text{ (Grams/Day)} = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3785$
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. For all parameters enter the number of samples which do not comply with the maximum and/or minimum permit requirements in the "reported" space in the column marked "No. Ex." (Number of Exceedances). If none, enter "0". Do NOT include monthly average violations in this field. Include any Maximum 7-Day Average and Maximum Weekly Average violations in this field. Permittees with continuous pH, or temperature monitoring requirements should consult the permit for what constitutes an exceedance and report accordingly.
7. You are required to sample (at a minimum) according to the Sample Frequencies and Sample Types specified in your permit.
8. Enter the actual frequency of analysis for each parameter (number of times per day, week, month, etc.) in the "reported" space in the column marked "Frequency of Analysis".
9. Enter the actual type of sample (Grab, 8HC, 24HC, etc) collected for each parameter in the "reported" space in the column marked "Sample Type".
10. Enter additional required data or comments in the space marked "additional permit requirements or comments". If additional required data or comments are appended to the DMR, reference appended correspondence in this field.
11. Record the number of bypasses during the month, the total flow in million gallons (MG) and BOD5 in kilograms (KG) in the proper columns in the section marked "Bypasses and Overflows".
12. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator or if the operator in responsible charge of the facility is a licensed operator, the operator's signature and certificate number must be reported in the spaces provided.
13. The principal executive officer then reviews the form and must sign in the space provided and provide a telephone number where he/she can be reached. Every page of the DMR must have an original signature.
14. Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each separate violation by date.
17. If you have any questions, contact the Department of Environmental Quality Regional Office listed on the DMR.

PART I

A. FINAL LIMITATIONS AND MONITORING REQUIREMENTS.

1. During the period beginning with the permit's CTO ISSUANCE date and lasting until the permit's Expiration date, the permittee is authorized to discharge from outfall(s): 001.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [a]	NL	NA	NA	NL	Continuous	Totalizing, Indicating & Recording Equipment
pH (S.U.)	NA	NA	6.0	9.0	1/Day	Grab
BOD ₅ (mg/l; kg/d) [c] [d]	30	45	NA	NA	3/Week	24-Hr. Comp.
Total Suspended Solids (mg/l; kg/d) [c] [d]	30	45	NA	NA	3/Week	24-Hr. Comp.
Total Residual Chlorine (TRC) (mg/l) [b] [c]	0.20	0.60	NA	NA	1/Day	Grab
Fecal Coliform (N/CML) [d] [g]	200	NA	NA	NA	1/Week (Between 10 AM & 4 PM)	Grab
Enterococci (N/CML) [h]	35	NA	NA	NA	2/Month (Between 10 AM & 4 PM)	Grab
Total Phosphorus Year-to-Date (mg/l) [f]	NL	NA	NA	NA	1/Month	Calculated
Total Phosphorus- Calendar Year (mg/l) [e] [f]	2.0	NA	NA	NA	1/Year	Calculated
Total Phosphorus (mg/l)	NL	NA	NA	NA	1/Month	24-Hr. Comp.
Total Nitrogen Year-to-Date (mg/l) [f]	NL	NA	NA	NA	1/Month	Calculated
Total Nitrogen- Calendar Year (mg/l) [e] [f]	12	NA	NA	NA	1/Year	Calculated
Total Nitrogen (mg/l)	NL	NA	NA	NA	1/Month	24-Hr. Comp.

NA = Not Applicable. NL = No limitation, however, reporting is required.

1 Year= January 1-December 31; reported for each full calendar year

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

- [a] The design flow of this treatment facility is 20 MGD. See Part I.C.5 for additional flow requirements.
 [b] See Part I.B. for additional chlorine monitoring instructions.
 [c] See Parts I.C.6 and I.C.7 for quantification levels and reporting requirements, respectively.
 [d] See Part I.C.8 for additional instructions regarding effluent monitoring frequencies.

- [e] Annual average limitation, based on a calculation of all samples collected during the calendar year.
- [f] See Part I.C.11 for additional instructions regarding total phosphorus and total nitrogen.
- [g] Fecal Coliform monthly average is calculated as a geometric mean.
- [h] Enterococci monthly average is calculated as a geometric mean. Samples must be taken at least 7 days apart.

- 2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- 3. At least 85% removal for BOD and TSS must be attained for this effluent.

In addition to any Total Nitrogen or Total Phosphorus concentration limits listed above, this facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN040090, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 002-007 (stormwater runoff)

Such discharges shall be limited and monitored by the permittee as specified below:

THESE OUTFALLS SHALL CONTAIN ONLY STORM WATER RUNOFF NOT ASSOCIATED WITH A REGULATED INDUSTRIAL ACTIVITY WHERE NO MONITORING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THESE OUTFALLS.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. ADDITIONAL TOTAL RESIDUAL CHLORINE (TRC) LIMITATIONS AND MONITORING REQUIREMENTS

1.
 - a. The permittee shall monitor the TRC at the outlet of the chlorine contact tank, prior to dechlorination, every two hours by grab sample.
 - b. No more than 36 of all samples taken after the chlorine contact tank, prior to dechlorination, shall be less than 0.50 mg/l for any one calendar month.
 - c. The facility shall operate the chlorination facilities in a manner which will ensure continuous disinfection. The permittee shall notify the DEQ in the event TRC sample collected prior to dechlorination is less than 0.50 mg/l for 3 or more consecutive readings or the TRC sample collected is less than 0.10 mg/l. Reporting will be conducted in accordance with Part II.H. of the permit.
2. If an alternative to chlorination as a disinfection method is chosen, enterococci shall be limited and monitored by the permittee as specified below:

Discharge Limitations Monitoring Requirements

	<u>Monthly Average</u>	<u>Frequency</u>	<u>Sample Type</u>
Enterococci (n/100 ml)	35*	3/Week (Between 10AM and 4PM)	Grab

* Geometric Mean

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Parts I.A. and I.B.1 above.

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Sludge Reopener

The State Water Control Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

b. Water Quality Standards Reopener

Should effluent monitoring indicate the need for any water quality based limitation, this permit may be modified or, alternatively, revoked and reissued to incorporate appropriate limitations.

c. Nutrient Reopener

This permit may be modified or, alternatively, revoked and reissued:

- a. If any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements;
- b. To incorporate technology-based effluent concentration limitations for nutrients in conjunction with the installation of nutrient control technology, whether by new construction, expansion or upgrade, or
- c. To incorporate alternative nutrient limitations and/or monitoring requirements, should:
 - i. the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries, or
 - ii. a future water quality regulation or statute require new or alternative nutrient control.

d. Nutrient Removal Facilities Reopener

Upon issuance of a CTC, DEQ staff shall initiate modification, or alternately, revocation and reissuance, of this permit, to include annual concentration limits based on the nutrient removal technology listed in the

CTC. Upon issuance of a CTO, any nutrient removal facilities installed shall be operated to achieve design effluent levels.

e. Total Maximum Daily Load (TMDL) Reopener

The State Water Control Board may modify or, alternatively, revoke and reissue this permit if any applicable standard(s) promulgated under section 303(d) of the Clean Water Act or as a result of the development of a TMDL would result in more stringent limits or other requirements in this permit.

2. Licensed Operator Requirement

The permittee shall employ or contract at least one Class 1 licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the State Water Control Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Tidewater Regional Office in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

3. Reliability Class

The permitted treatment works shall meet Reliability Class I.

4. CTC, CTO and O & M Manual Requirements

The permittee shall, in accordance with the Sewage Collection and Treatment Regulations, obtain a **Certificate to Construct (CTC)**, and a **Certificate to Operate (CTO)** from the DEQ Regional Office prior to constructing wastewater treatment facilities and operating the facilities, respectively.

The permittee shall review the existing O & M Manual and notify the DEQ Regional Office, in writing, that it is still current. If the O & M Manual is no longer current, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office. Future changes to the facility must be addressed by the submittal of a revised O & M Manual within 90 days of the changes.

Noncompliance with the CTC, CTO, or the O & M Manual shall be deemed a violation of the permit.

Letter/Revised Manual Due: April 1, 2013

5. 95% Design Capacity Notification

A written notice and a **plan of action** for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ Tidewater Regional Office when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the DEQ Tidewater Regional Office **no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity.** The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

6. Quantification Levels Under Part I.A.

- a. The maximum quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Chlorine	0.10 mg/l
BOD ₅	2 mg/l
TSS	1.0 mg/l

- b. The permittee may use any approved method which has a QL equal to or lower than the (QL) listed in 6.a above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.
- c. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained.

7. Compliance Reporting Under Part I.A.

- a. Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.A.1 shall be determined as follows: All data below the quantification level (QL) listed in Part I.C.6.a above shall be treated as zero. All data equal to or above the QL listed in Part I.C.6.a above shall be treated as it is reported. An arithmetic

average shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the DMR as calculated. If all data are below the QL, then the average shall be reported as <QL.

- b. Maximum Weekly Average -- Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I.A.7.a shall be determined as follows: All data below the quantification level (QL) listed in Part I.C.7.a above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the Discharge Monitoring report (DMR). If all data are below the QL, then the average shall be reported as <QL.
- c. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.C.7.a above. Otherwise, the numerical value shall be reported.
- d. Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.
- e. The permittee shall report at least the same number of significant figures as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

8. Effluent Monitoring Frequencies

Should the facility permitted herein be issued a Warning Letter, a Notice of Violation, an unsatisfactory laboratory determination, or be the subject of an active enforcement action for any of the parameters listed below for any outfall at the facility, the following effluent monitoring frequencies shall become effective starting with the next full month following notification and remain in effect until the permit's expiration date.

<u>Effluent Parameter</u>	<u>Frequency</u>
BOD ₅	1/Day
TSS	1/Day
Fecal Coliform	1/Day

No other effluent limitations or monitoring requirements are affected by this special condition.

9. Indirect Dischargers

The permittee shall provide adequate notice to the DEQ Tidewater Regional Office of the following:

- a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

10. Sludge Management Plan

The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any **proposed changes** in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and **submitted for Department of Environmental Quality (DEQ) approval 90 days prior to the effective date of the changes.** Upon approval, the SMP becomes an enforceable part of the permit. The permit may be modified or, alternatively, revoked and reissued to incorporate limitations/conditions necessitated by substantive changes in sewage sludge use or disposal practices.

11. Total Phosphorus and Total Nitrogen: Nutrient Reporting Calculations

- a. For each calendar month, the DMR shall show the calendar year-to-date average concentration (mg/l) calculated in

accordance with the following formulae:

$$MC_{avg-YTD} = \frac{(\sum (\text{January} - \text{current month}) MC_{avg})}{(\text{number of months})}$$

where:

$MC_{avg-YTD}$ = calendar year-to-date average concentration (mg/l), and

MC_{avg} = monthly average concentration (mg/l) as reported on DMR.

- b. The total nitrogen and total phosphorus average concentrations (mg/l) for each calendar year (AC) shall be shown on the December DMR due January 10th of the following year. These values shall be calculated in accordance with the following formula:

$$AC_{avg} = \frac{(\sum (\text{January} - \text{December}) MC_{avg})}{12}$$

where:

AC_{avg} = calendar year average concentration (mg/l), and

MC_{avg} = monthly average concentration (mg/l) reported on DMR.

- c. For total phosphorus, all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported. If all data are below the QL, then the average shall be reported as half the QL.

For total nitrogen (TN), if none of the daily concentration data for the respective species (i.e., TKN, nitrates/nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point as reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

12. Suspension of concentration limits for E3/E4 facilities

The annual average concentration limitations for Total Nitrogen and/or Total Phosphorus are suspended during any calendar year in which the facility is considered by DEQ to be a participant in the Virginia Environmental Excellence Program in good standing at either the Exemplary Environmental Enterprise (E3) level or the Extraordinary Environmental Enterprise (E4) level, provided that the following conditions have also been met:

- a. The facility has applied for (or renewed) participation, been accepted, maintained a record of sustained compliance and submitted an annual report according to the program guidelines;
- b. The facility has demonstrated that they have in place a fully implemented environmental management system (EMS) with an alternative compliance method that includes operation of installed nutrient removal technologies to achieve the annual average concentration limitations, and
- c. The E3/E4 designation from DEQ and implementation of the EMS has been in effect for the full calendar year.

The annual average concentration limitations for Total Nitrogen and/or Phosphorus, as applicable, are not suspended in any calendar year following a year in which the facility failed to achieve the annual average concentration limitations as required by b. above.

D. PRETREATMENT

The permittee's pretreatment program has been approved. The program is an enforceable part of this permit. The permittee shall:

1. Implement a pretreatment program that complies with the Clean Water Act, Water Control Law, State Regulations and the approved program.
2. Submit to the DEQ Regional Office an annual report that describes the permittee's program activities over the previous year. The annual report shall be submitted no later than January 31 of each year and shall include:
 - a. An updated list of Significant Industrial Users* showing the categorical standards and local limits applicable to each.
 - b. A summary of the compliance status of each Significant Industrial User with pretreatment standards and permit requirements.
 - c. A summary of the numbers and types of Significant Industrial User sampling and inspections performed by the POTW.
 - d. All information concerning any interference, upset, VPDES permit or Water Quality Standards violations directly attributable to Significant Industrial Users and the enforcement actions taken to alleviate said events.
 - e. A description of all enforcement actions taken against Significant Industrial Users over the previous 12 months.
 - f. A summary of any changes to the submitted pretreatment program that have not been previously reported to the DEQ Regional Office.
 - g. A summary of the permits issued to Significant Industrial Users since the last annual report.
 - h. POTW and self-monitoring results for Significant Industrial Users determined to be in significant non-compliance during the reporting period.
 - i. Results of the POTW's influent, effluent, and sludge sampling not previously submitted to DEQ.
 - j. Copies of newspaper publications of all Significant Industrial Users in significant non-compliance during

the reporting period. This is due no later than March 31 of each year.

k. Signature of authorized representative.

3. Within 180 days of the effective or modification date of this permit, the permittee shall submit to the DEQ Regional Office a survey of all Industrial Users discharging to the POTW. The information shall be submitted on the DEQ Discharger Survey Form, or an equivalent form that includes the quantity and quality of the wastewater. Survey results shall include the identification of significant industrial users of the POTW.
4. Submit any changes to the approved pretreatment program to the DEQ Regional Office and obtain approval before implementation of the changes.
5. Ensure all Significant Industrial Users' permits issued by the POTW are effective and enforceable.
6. Inspect and sample all Significant Industrial Users at a minimum of once a year.
 - a. Sampling shall include all regulated parameters, and shall be representative of the wastewater discharged.
 - b. Inspection of the Significant Industrial Users shall cover all areas which could result in wastewater discharge to the treatment works including manufacturing, chemical storage, pretreatment facilities, spill prevention control procedures, hazardous waste generation, and Significant Industrial User's self-monitoring and records.
7. Implement the reporting requirements of Part VII of the VPDES Permit Regulation.
8. Review the enforcement response plan (ERP) and ensure it meets State and Federal regulatory requirements. The approved ERP is an enforceable part of this permit and shall be implemented.
9. Develop local limits or reevaluate local limits using current influent, effluent, and sludge monitoring data and submit the data and results of the evaluation to the DEQ Regional Office within one year of the effective or modification date. All Significant Industrial Users shall be sampled at the end of any categorical processes and at the entrance to the treatment works.
10. Ensure that adequate resources are available to implement the approved program.

11. Meet all public participation requirements and annually public notice Significant Industrial Users in significant non-compliance with pretreatment standards and requirements for the previous 12 months.
12. In lieu of the survey, the permittee may elect to develop, submit for approval and implement the plan to continuously survey the industrial community in their jurisdiction.
13. The DEQ may require the POTW to institute changes to its pretreatment program:
 - a. If the approved program is not implemented in a way satisfying the requirements of the Clean Water Act, Water Control Law, or State Regulations;
 - b. If problems such as pass-through, interference, water quality standards or sludge contamination develop or continue; and
 - b. If Federal, State or local requirements change.

* A significant industrial user is one that:

1. Has a process wastewater (**) flow of 25,000 gallons or more per average workday;
2. Contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
3. Is subject to the categorical pretreatment standards; or
4. Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

** Excludes sanitary, non-contact cooling water, and boiler blowdown.

E. TOXICS MANAGEMENT PROGRAM (TMP)

1. Biological Monitoring

- a. In accordance with the schedule in 2. below, the permittee shall conduct annual acute toxicity tests for the duration of the permit. The permittee shall collect 24-hour, flow-proportioned composite samples of final effluent from outfall 001 in accordance with Part 1.A. of this permit. The acute tests to use are:

48 Hour Static Acute test using Americamysis bahia and
48 Hour Static Acute test using Cyprinodon variegatus

These acute tests shall be performed with a minimum of 5 dilutions, derived geometrically, for the calculation of a valid LC_{50} . Express the results as TU_a (Acute Toxic Units) by dividing $100 / LC_{50}$ for reporting. Both species should be analyzed at the same time from the 24-hour, flow-proportioned composite sample. Toxicity samples shall be taken at the same time as the other chemical parameter monitoring listed in Part I.A. of this permit for outfall 001.

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

- b. The permittee may provide additional samples to address data variability during the period of initial data generation. These data shall be reported and may be included in the evaluation of the effluent toxicity. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.
- c. The test dilutions shall be able to determine compliance with the following endpoints:
- (1) Acute LC_{50} of $\geq 10\%$ equivalent to a TU_a of ≤ 10
- d. All applicable data will be evaluated for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of E.1.a. may be discontinued. Permit specific limits in lieu of a WET limit may be added, should it be demonstrated that toxicity is due to specific parameters. The pollutant specific limits must control the toxicity of the effluent.

2. Reporting Schedule

The permittee shall report the results and supply **one** complete copy of the toxicity test reports to the Tidewater Regional Office in accordance with the schedule below. A complete report must contain a copy of all laboratory benchsheets, certificates of analysis, and all chain of custodies.

(a)	Conduct first annual TMP test for outfall 001 using <u>Americamysis bahia</u> and <u>Cyprinodon variegatus</u>	By December 31, 2014
(b)	Submit results of all biological tests	Within 60 days of the sample date and no later than January 10, 2015
(c)	Conduct subsequent annual TMP tests for outfall 001 using <u>Americamysis bahia</u> and <u>Cyprinodon variegatus</u>	By December 31, 2015, 2016, and 2017
(d)	Submit subsequent annual biological tests	Within 60 days of the sample date and no later than January 10, 2016, 2017, and 2018

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be

extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice), and online <http://www.deq.virginia.gov/prep/h2rpt.html> .

For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal

practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to Authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with

certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II U 2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

- 1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
- 2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.